(S3)

HIGH COURT OF JUDICATURE CHHATTISGARH :: BILASPUR

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION No. 4735 of 2005

PETITIONER		Goverdhan lal S/o Kaluram aged About 45 years R/o Suregaon Tahsil Dondilohara, Distt. Durg (C.G.)
	Vs.	
RESPONDENTS	1.	State of Chhattisgarh Through the Secretary Department of Revenue D.K.S Bhawan Raipur (C.G.)
	2.	The Collector Distt. Durg (C.G.)
	3.	The S.D.O./ Land Acquisition Officer, Dondilohara, Distt. Durg (C.G.)

Present: Shri Praveen Das, learned counsel for the petitioner.
Shri Sanjay S Agrawal, learned Govt. Advocate for the State of Chhattisgarh.

ORAL ORDER
(Passed on 21st December 2005)

This writ petition is preferred by the aggrieved owner of a land which is acquired by the State for a public purpose complaining that the application made by him under Section 18 of the Land Acquisition Act 1894 *(for short 'the Act')* to refer his claim to the Civil Court for higher compensation, has been rejected by the third respondent, the Land Acquisition Officer on the ground that the order made by the Land Acquisition Officer is valid and correct. The impugned order of the Land Acquisition Officer suffers from an error apparent on its face. It is needless to state that if an owner of the acquired land makes an application within the stipulated time under Section 18 of the Act, the

Land Acquisition Officer is duty-bound to refer his claim to the jurisdictional Civil Court and it is not the power of the Land Acquisition Officer to reject the application on the ground that the award passed by him is a valid award.

In the result, on that short ground, the writ petition is allowed. The impugned award of the third respondent is set-aside and the third respondent is directed to refer the application filed by the petitioner under Section 18 of the Act to the jurisdictional Civil Court forthwith. There shall be no order as to costs.

Sd/-
Chief Justice